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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,681	01/28/2002	Ming-Nan Yen	JCLA7301	4020
7590	01/24/2005		EXAMINER GHEBRETINSAE, TEMESGHEN	
J.C. Patents, Inc. 4 Venture, Suite 250 Irvine, CA 92618			ART UNIT 2637	PAPER NUMBER

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,681

Applicant(s)

YEN ET AL.

Examiner

Temesghen Ghebretinsae

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-15 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. It would be of great assistance to the Office if all incoming papers pertaining to a filed application carried the following items:

1. Application number (checked for accuracy, including series code and serial no.).
2. Group art unit number (copied from most recent Office communication).
3. Filing date.
4. Name of the examiner who prepared the most recent Office action.
5. Title of invention.
6. Confirmation number (See MPEP § 503).

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2,6,7,10,11,12,14,15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, "the input signal" lack clear antecedent basis.

In claim 6, "the value-modifying signal" lacks antecedent in the chain of dependency. The quoted phrase appears in claim 5, which is not in claim 6's chain.

In claim 7, "the phase adjusting value" lack clear antecedent basis. It should be--- the digital phase adjusting signal---

In claim 7, "the adjusting signal" lacks antecedent in the chain of dependency.

(See claim 6)

In claim 10, "the sampling frequency" lacks antecedent in the chain of dependency. (See claim 3)

In claim 11, "the feedback frequency" lack clear antecedent basis.

In claim 12, "the pre adjusting value" lacks antecedent in the chain of dependency (see claim 2)

In claim 14, "the output adjusting value" lacks antecedent in the chain of dependency (see claim 4)

In claim 15, "the phase adjusting value" lack clear antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1,5,9 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al (6,392,496).

Lee discloses a digital phase locked loop (fig.1) comprising: a phase detector (1) for comparing a feedback signal and a reference signal; a digital to analog converter (4) for converting the digital phase outputted from the phase

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comparator; a voltage control oscillator; (5) and an adjustable divider (6) for feeding back and dividing down the output from the VCO. (See col.1, lines 17-37)

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1,5,6,9,11,13 are rejected under 35 U.S.C. 102(b) as being anticipated by Wereker et al (5,856,762).

Wereker discloses a digital phase locked loop comprising: a phase detector for comparing a feedback signal and a reference signal (51); a digital to analog converter for converting the digital phase to analog phase signal (53); a voltage control oscillator (4) and a post divider for feeding back and dividing down the output from the VCO (13) as claimed in claim1. An up-down converter (52) as claimed in claim 6. The post adjusting value for the post divider is adjustable (N) as claimed in claim 9. The feedback signal has a preset value as claimed in claim 11. The post adjusting value is set according to the required output frequency as claimed in claim 13. (See fig.1 and col.3, line 40 to col.4, line 6.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1,5,6,9,11,13 are rejected under 35 U.S.C. 102(a) as being anticipated by Walter T. Bax et al (A GMSK modulator using a delta sigma frequency discriminator based synthesizer IEEE Journal of solid state circuits vol. 36, No. 8 August 2001).

Bax et al discloses a digital phase locked loop comprising: a phase-frequency detector for comparing a feedback signal and a reference signal; a digital to analog converter; a voltage control oscillator; a post divider for feeding back and

dividing down the output from the VCO; and an up-down converter. (See fig.3 and fig.11). The post adjusting value for post divider is adjustable (The feedback signal has a preset value (see page 1220 second col.). The post adjusting value is set according to the required output frequency. (See pages 1218-1223).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2,4,6,8,11,12,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Berry et al (6,366,174).

Lee discloses the claimed subject matter as described above. Lee differs from the present claimed invention in that he is silent about pre-divider as claimed in claim 2 and 12; out put divider as claimed in claim 4 and 14;and up-down converter as claimed in claim 6. However, Berry discloses a phase locked loop apparatus comprising: an adjustable pre-divider for dividing down the input signal (20); and adjustable output divider (44); and up-down converter (30). Thus it would have been obvious to one of ordinary skill in the art at the time the invention to modify Lee's PLL circuit to show the pre-diver, output divider and up-down counter. One would be motivated to do so because having a PLL circuit with optional frequency multiply or frequency divide circuits can improve the latch

time. (See Berry col.2, lines 1-15. and fig.1) As for the built-in self tester, such is well known in the art (see specification page 8, lines 21-22.)

11. Claims 2,4,12,14,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werker in view of Berry

Werker discloses the subject matters claimed in claims 1,5,6,9,11,13 as described above. Werker differs from the present invention in that he is silent about pre-divider as claimed in claim 2 and 12; output divider as claimed in claim 4 and 14. However, such are well known in the PLL circuit and would have been obvious to have a PLL circuit with optional frequency multiply or frequency divide circuits so that the latch (lock) time can be improved. (See Berry col. 2, lines 1-15 and fig.1) As for the particular limitation of claim 15, Berry is silent about the value of the digital signal (N). However, such is well known and does not show any new or unexpected result.

12. Claims 2, 4,12,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bax in view of Berry

Bax discloses all the subject matter claimed in claims 1,5,6,9,11,13 see above. Bax differs from the claimed invention in that he is silent about pre-divider as claimed in claim 2 and 12; output divider as claimed in claim 4 and 14. However, such are well known in the PLL circuit and would have been obvious to have a PLL circuit with optional frequency multiply or frequency divide circuits so that the latch (lock) time can be improved. (See Berry col. 2, lines 1-15 and fig.1)

Allowable Subject Matter

13. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Claims 7 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temesghen Ghebretinsae whose telephone number is 571-272-3017. The examiner can normally be reached on Monday-Friday from 8 to 5. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on 572-272-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Temesghen Ghebretinsae
Primary Examiner
Art Unit 2637

T.G.

1/21/05.


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